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**COMMISSION IMPLEMENTING DECISION**

**of 10.8.2018**

**adopting a special measure on supporting Bosnia and Herzegovina in managing the  
migration flows**

## COMMISSION IMPLEMENTING DECISION

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### adopting a special measure on supporting Bosnia and Herzegovina in managing the migration flows

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures of the implementation of the Union's instruments for financing external action<sup>1</sup> and in particular Article 2(5) thereof

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>2</sup> and in particular Article 84(2) thereof,

Whereas:

- (1) Regulation (EU) No 231/2014<sup>3</sup> lays down the objectives and main principles for pre-accession assistance to beneficiaries listed in Annex I to that Regulation.
- (2) The Council established an Accession Partnership or a European Partnership for all beneficiaries listed in Annex I of Regulation (EU) No 231/2014. On 15 December 2014 the Commission adopted an Indicative Strategy Paper for Bosnia and Herzegovina for the period 2014 – 2017, which provides indicative allocations for the concerned sectors for pre-accession assistance.<sup>4</sup>
- (3) It is now necessary to adopt a special measure on supporting Bosnia and Herzegovina in managing the migration flows by providing assistance for actions in the sector of Rule of Law and Fundamental Rights. This measure is justified by the fact that the inflow of refugees, asylum seekers and migrants in Bosnia and Herzegovina has significantly increased in the last six months and by the imperative urgency to improve the local authorities response, until now insufficient, to the new situation.
- (4) It is necessary to adopt a financing decision, the detailed rules of which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012.<sup>5</sup>
- (5) The envisaged assistance to Bosnia and Herzegovina is deemed to follow the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU.

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<sup>1</sup> OJ L 77, 15.03.2014, p. 95.

<sup>2</sup> OJ L 298, 26.10.2012, p.1.

<sup>3</sup> Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (OJ L 77, 15.03.2014, p. 11).

<sup>4</sup> Decision C(2014) 9495 of 15.12.2014., amended by Decision C(2017)7513 final on 16.11.2017, and further amended by Decision C(2018) 5021 final on 03.08.2018

<sup>5</sup> Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

- (6) The Commission should be able to entrust budget-implementation tasks under indirect management to the entity specified in the Annex, subject to the conclusion of a delegation agreement. In accordance with Article 60(1) and (2) of Regulation (EU, Euratom) No 966/2012, the authorising officer responsible needs to ensure that this entity guarantees a level of protection of the financial interests of the Union equivalent to that required under Regulation (EU, Euratom) No 966/2012, when the Commission manages Union funds. This entity complies with the conditions of points (a) to (d) of the first subparagraph of Article 60(2) of Regulation (EU, Euratom) No 966/2012 and the supervisory and support measures are in place as necessary.
- (7) The maximum contribution of the European Union set by this Decision should cover any possible claims for interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012.
- (8) Pursuant to Article 94(4) of Delegated Regulation (EU) No 1268/2012, the Commission should define changes to this Decision which are not substantial in order to ensure that any such changes can be adopted by the authorising officer responsible,
- (9) The measure provided for in this Decision does not fall in the categories of measures for which the opinion of the Committee set up by Article 13 of Regulation (EU) No 231/2014 is required. The IPA II Committee should be informed of this Decision within 14 days following its adoption,

HAS DECIDED AS FOLLOWS:

*Article 1*

*Adoption of the special measure*

The Special Measure under the Instrument for Pre-accession Assistance (IPA II) as set out in the Annex, is hereby approved.

*Article 2*

*Financial contribution*

The maximum amount of the European Union contribution for the implementation of the Special Measure referred to in Article 1 is set at EUR 6 017 168 and shall be financed from the budget line 22.020101 of the general budget of the EU for year 2018. The financial contribution referred to in the first sub-paragraph may also cover interest due for late payment.

*Article 3*

*Implementation modalities*

This programme shall be implemented by indirect management.

The budget implementation tasks under indirect management may be entrusted to the entity identified in the Annex subject to the conclusion of the relevant agreement.

*Article 4*

*Non-substantial changes*

The following changes shall not be considered substantial provided that they do not significantly affect the nature and objectives of the actions:

- (a) increases or decreases for not more than 20 % of the maximum contribution set in the first paragraph of Article 2, and not exceeding EUR 10 million;
- (b) cumulated reassignments of funds between specific actions not exceeding 20 % of the maximum contribution set in the first paragraph of Article 2;
- (c) extensions of the implementation and closure period;
- (d) within the limits of 20 % referred to in points (a) and (b) above, up to 5 % of the contribution referred to in the first paragraph of Article 2 of this financing decision may serve to finance actions which were not foreseeable at the time the present financing decision was adopted, provided that those actions are necessary to implement the objectives and the results set out in the programme.

The authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 10.8.2018

*For the Commission*  
*Johannes HAHN*  
*Member of the Commission*